

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHERRY A. STALEY,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner of
Social Security Administration,

Defendant.

CASE NO. C05-5582FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION


Plaintiff objects to the Report and Recommendation arguing that the Administrative Law Judge failed to give reasons for rejecting Dr. Eather's more restrictive limitations, and consequently, there are no reasons in the record to test under the substantial evidence standard. The ALJ provided a detailed review of the depressive symptoms from 2001 through February 2004 that Dr. Eather opined would interfere with Plaintiff's performance of frequent complex work. Moreover, the ALJ incorporated the limitations found by Dr. Eather in her hypothetical questions to the vocational expert. (Tr. 414.) The ALJ did apply the proper standard and there is substantial evidence in the record to support the decision.

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Judge J. Kelley Arnold, United States Magistrate Judge, and objections to the report and recommendation, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The administrative decision is AFFIRMED; and

1 (3) The Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel
2 and Magistrate Judge J. Kelley Arnold.
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4 DATED this 22nd day of May 2006.

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7 FRANKLIN D. BURGESS
8 UNITED STATES DISTRICT JUDGE
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